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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,820	03/25/2004	Jarmo Saaski	187-75	7809
23869	7590	03/20/2006	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2841	
DATE MAILED: 03/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,820

Applicant(s)

SAASKI ET AL.

Examiner

Jeanne-Marguerite Goodwin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/25/2004 (5/24)

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

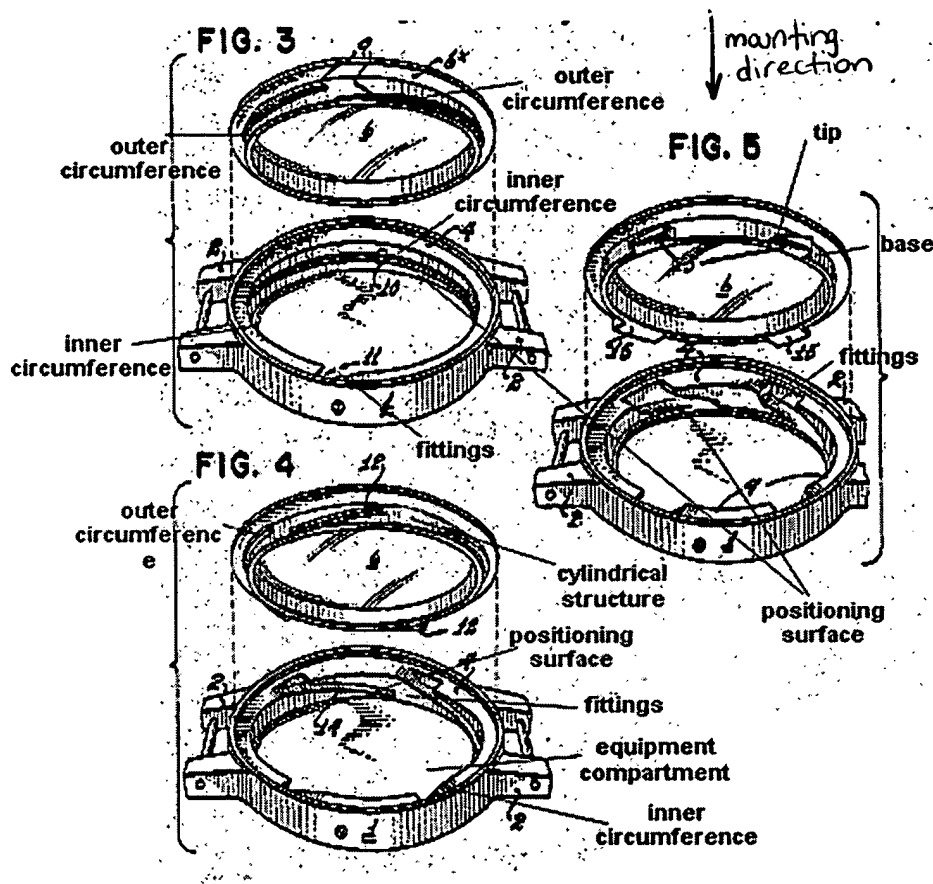
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,386,239 to Shiffman.

**As per claim 1:** Shiffman discloses an electronic wrist device, comprising: a plastic body part (1) with an aperture into an equipment compartment (see figure below); a cover part (6) joined to the body part for at least partly closing the aperture; wherein the body part further comprises a positioning surface (see figure below) for positioning the cover part in relation to the body part; wherein the wrist device comprises a fastening structure (9, 10, 11 or 11, 14 or 4, 15), which is at least partly pressed into the body part and which at least partly sets against the positioning surface (10, 14, 15), for joining the cover part to the body part, the fastening structure comprising cover press means (6x) for pressing the cover part into contact with the body part (also see col. 2, lines 69-71); and wherein the fastening structure further comprising a projecting grip structure (9, 12 or 15) extending at least partly into the body part, setting against the positioning surface (see Figs. 3, 4 and 5), and blocked (thread-receiving channel (10), recessed thread (14) and the channel, Fig. 5, having an inclined lower face structures consist of blocking upward movement of the cover part, respectively) in relation to the mounting direction of the cover part for preventing the fastening structure from moving in a direction opposite to the

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mounting direction once the fastening structure has been pressed within the body part (see Figs. 3, 4, and 5).



**As per claim 2:** Shiffman discloses a wrist device according to claim 1, wherein the forward movement of the projecting grip structure (9, 12, or 15) is enabled (in the sense that it comprises gaps so the cover part may be securely mounted before securely fastened) in the mounting direction of the cover part.

**As per claim 3:** Shiffman discloses a wrist device according to claim 1, wherein the part of the positions surface is parallel with the mounting direction of the cover part (see figure above).

**As per claim 4:** Shiffman discloses a wrist device according to claim 1, wherein the body part comprises an inner circumference defining at least partly the border of the aperture and forming at least part of the positioning surface; and wherein the fastening structure comprises an outer circumference setting at least partly against the inner circumference of the body part (see figure above).

**As per claim 5:** Shiffman discloses a wrist device according to claim 1, wherein the body part comprises an outer circumference inside the body part (outer circumference in reference to the fastening structure), which outer circumference forms at least part of the positioning surface; and wherein the fastening structure comprises an inner circumference (inner circumference in reference to the body part) setting at least partly against the outer circumference inside the body part.

**As per claim 7:** Shiffman discloses a wrist device according to claim 1, wherein the projecting grip structure is a wedge-shaped structure (Fig. 5) with a tip that is parallel with the mounting direction and a base that is opposite to the mounting direction (see figure above).

**As per claim 10:** Shiffman discloses a wrist device according to claim 1, wherein the fastening structure, when seen in the mounting direction, is a cylindrical structure pressed at least partly into the body part, at least part of the cover part being supported against its inner circumference by the cover press means, and the projecting grip structures being arranged on the surface of its cylindrical structure (see figure above).

**As per claim 11:** Shiffman discloses a wrist device according to claim 1, wherein the body part comprises fittings for the projecting grip structure (see figure above).

**As per claim 12:** Shiffman discloses a wrist device according to claim 1, wherein the wrist device further comprises sealing means (see col. 2, line 17) between the cover part and the body part, the press force of the sealing means being parallel with the mounting direction.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiffman.

**As per claim 8:** Shiffman discloses a device as stated above with regards to claim 1. Shiffman discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 8, i.e., wherein the material of the projecting grip structure is harder than the material of the body part. The use of the claimed particular materials to make the projecting grip structure and the body part, absent any criticality, are only considered to be the use of "optimum" or "preferred" materials that a person having ordinary skill in the art at the time the invention was made using routine experimentation would have found obvious to provide for the projecting grip structure and the body part disclosed by Shiffman since they are well known types of materials used to make the projecting grip structure and the body part and since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of the

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invention. In re Leshin, 125 USPQ 416. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the projecting grip structure and body part, as taught by Shiffman, with the projecting grip structure and body part, as taught by Applicant, in order for the projecting grip structure to preserve its shape when the body part and the fastening structure are joined together, which is a very common concept in the fastening art.

**As per claim 9:** Shiffman discloses a device as stated above with regards to claim 1. Shiffman discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 9, i.e., wherein the material of the cover part is glass. The use of the claimed particular materials to make cover part, absent any criticality, are only considered to be the use of "optimum" or "preferred" materials that a person having ordinary skill in the art at the time the invention was made using routine experimentation would have found obvious to provide for cover part disclosed by Shiffman since they are well known types of materials, e.g., glass, used to make the cover part and since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of the invention. In re Leshin, 125 USPQ 416. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the cover part, as taught by Shiffman, with the cover part, as taught by Applicant, since both are alternative types of cover parts which will provide the same function, if one is replaced with the other, of enclosing a compartment, respectively.

**As per claim 13:** Shiffman discloses a device as stated above with regards to claim 1. Shiffman discloses all the subject matter claimed by applicant with the exception of the

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limitation stated in claim 13, i.e., wherein the material of the fastening structure is stainless steel. The use of the claimed particular materials to the fastening structure, absent any criticality, are only considered to be the use of "optimum" or "preferred" materials that a person having ordinary skill in the art at the time the invention was made using routine experimentation would have found obvious to provide for the fastening structure disclosed by Shiffman since they are well known types of materials used to make the fastening structure and since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of the invention. In re Leshin, 125 USPQ 416. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the fastening structure, as taught by Shiffman, with the fastening structure, as taught by Applicant, since both are alternative types of fastening structures which will provide the same function, if one is replaced with the other, of fastening two different elements together.

#### ***Allowable Subject Matter***

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 2002/0021624 to

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Hiranuma et al. and US 6,540,396 to Barras disclose cover/body assemblies.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG  
March 9, 2006

A handwritten signature in black ink, appearing to read 'Kammie Cuneo', is positioned above the printed name.

KAMMIE CUNEO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800